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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/660,838	09/12/2003	Orville C. Huggins	M-620-1-1-1	7851
7590	05/11/2004		EXAMINER	
JOSEPH J. GRASS MONARCH MARKING SYSTEMS, INC. P.O. Box 608 Dayton, OH 45401				EICKHOLT, EUGENE H
		ART UNIT		PAPER NUMBER
		2854		

DATE MAILED: 05/11/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/660,838	HUGGINS ET AL.
	Examiner	Art Unit
	Eugene H Eickholt	2854

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 12 September 2003.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 19-26 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 19-21 and 26 is/are rejected.
 7) Claim(s) 22-25 is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date 12-23-03 & 3-4-04.

4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____.
 5) Notice of Informal Patent Application (PTO-152)
 6) Other: _____.

Claims 19 and 26 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Petterutti et al (6010257).

Keypad 20 uses push buttons. See col. 4, lines 26-30. Figure 1 shows keypad 20 on top of the housing. Print head 72 cooperates with platen roll 68 driven by stepper motor 27. See col. 5, lines 13-14 and the fig. 5 printer mechanism print head stepper motor interconnect. Motor 27 is shown in fig. 4 to be below the keys 20 and above the supply roll. Figure 9 shows battery 40 below the supply roll.

This anticipates claim 26. See col. 4, line 38.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Petterutti et al '257 in view of Goodwin et al.

Petterutti et al does not have supply roll holders movable in unison. Goodwin et al teaches adjustable roll mounting holders 56, 57. The hubs or rolls 142 read on claim 21. See col. 5, lines 46-50 and col. 6 lines 3-10. It would have been obvious to one of ordinary skill in the printing art to have modified Petterutti et al to use the adjustable roll holders of Goodwin et al. Motivation would have been the explicit teaching of Goodwin et al of being able to mount different roll widths. See col. 1, lines 36-38.

Claims 22-25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

A shortened statutory period of 3 months is set to respond.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Any inquiry concerning the specifics of this communication should be directed to Examiner Eickholt, who can be reached Tuesday through Thursday. Inquiries of a general nature should be directed to the TC2800 receptionist.

Contact numbers:

Exr. Eugene H. Eickholt
SPE Andrew Hirshfeld
TC 2800 Fax

571-2722160
571-2722168
703-8729306

Tony H. Eickholt
EUGENE H. EICKHOLT
PRIMARY EXAMINER